

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TENNESSEE

LOUISE GRAVES,  
Plaintiff

v.

AUTO-OWNERS  
INSURANCE COMPANY  
Defendant

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No.: 1:22-cv-02296-STA-jay

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STATEMENT OF UNDISPUTED MATERIAL FACTS

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COMES NOW THE PLAINTIFF, by and through undersigned counsel, pursuant to Local Rule 56.1 and files her statement of undisputed material facts as follows:

1. On December 21, 2020, Plaintiff submitted a proof of loss with actual cash value of \$476,761.95. A copy of this proof of loss is attached as Exhibit 1 herewith.
2. The parties engaged in the contractual appraisal process for this civil action. DE 68-4
3. On March 8, 2021, the umpire rendered an award and a report finding an actual cash value of \$476,300.79 DE 68-4 and DE 59-2
4. The Umpire clarified that COVID-19 protocol expenses were removed from the award and report. DE 59-3.
5. Auto-Owners has already admitted that it received the May 4, 2020 proof of loss from Plaintiff. DE68-2, Page ID 919.
6. The operative policy provides in Building and Commercial Coverage Form, E4g Loss Payment provides in material part that: "We will pay for covered loss or damages within 30

days after we receive the sworn statement of proof of loss, if you complied with the terms of this coverage part, and ..... An appraisal award has been made.” DE 67-3, Page ID 658.

Respectfully submitted,

/s/Drayton D. Berkley  
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**CERTIFICATE OF SERVICE**

I, the undersigned attorney, do hereby certify that the foregoing document has been served upon the following counsel of record or parties pro se in this cause **ONLY BY ELECTRONIC TRANSMISSION** to the following:

Parks T. Chastian, Esq.  
Matthew B. Rogers, Esq.  
BREWER, KRAUSE, BROOKS & CHASTAIN, PLLC  
545 MainStream Drive Suite 101  
Nashville, TN 37228  
Attorney for State Auto

This, the 5th day of May 2023.

/s/Drayton D. Berkley  
**Drayton D. Berkley**